

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (SN)
ECF Case

This document relates to:

Betru et al. v. Islamic Republic of Iran, 18-cv-8297 (GBD)(SN))

**DECLARATION IN SUPPORT OF BETRU PLAINTIFFS’
MOTION FOR JUDGMENT OF DEFAULT AGAINST IRAN AS TO LIABILITY**

JAMES P. KREINDLER, Esq., pursuant to 28 U.S.C. § 1745, hereby states under penalty of perjury that:

1. I am an attorney representing the *Betru* Plaintiffs in the above-captioned litigation and I submit this declaration in support of the motion for a default judgment on liability against the Islamic Republic of Iran (“Iran”) on behalf of the estates of individuals murdered on September 11, 2001 and their immediate family members.

2. The *Betru* Plaintiffs are all the estates of individuals killed in the terrorist attacks on September 11, 2001 (“September 11 Terrorist Attacks”) or their immediate family members.

3. On September 12, 2018, the *Betru* Plaintiffs filed an Iran Short Form Complaint with this Court. *See* 18-cv-8297 (S.D.N.Y.), ECF 1.¹ Following this Court’s February 5, 2020 order that any newly filed cases were “member cases” only of the MDL and that filing of the Iran Short Form Complaint did “not incorporate a new action into an earlier filed case,” ECF 5856, the *Betru* Plaintiffs, served the Iran Short Form Complaint on Iran and obtained a certificate of default, as described below.

¹ References to the docket in the *Betru* Plaintiffs’ individual case or to other individual cases cite to the individual civil case number followed by the relevant ECF number; references to the MDL docket have only the ECF number.

4. On March 30, 2020, my office sent by overnight mail the Notice of Suit, Complaint, Summons and other case initiating documents (such as related case statements) against Iran (along with certified Farsi translations of the same) to the Clerk of the Court for the Southern District of New York requesting that they be transmitted to the Foreign Minister of the Ministry of Foreign Affairs for Iran, pursuant to the service requirements of the Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. § 1608(a)(3). On June 22, 2020, the Clerk of the Court transmitted those materials to Iran. ECF 6289. On July 5, 2020 those materials were returned undelivered.

5. My office then served the *Betru* case initiating materials against Iran pursuant to 28 U.S.C. § 1608(a)(4), via the United States Department of State. We received a copy of a diplomatic note dated June 14, 2021 from the United States Department of State certifying that the materials were forwarded for transmission to Iran. On December 6, 2021, on behalf of the *Betru* Plaintiffs, my office filed proof of service under the FSIA and moved for a certificate of default, which the Clerk of the Court granted the same day. ECF 7425-7428.

6. For all of the reasons set forth in this declaration and the *Betru* Plaintiffs’ Motion for Judgment of Default against Iran as to Liability, including the basis for subject matter jurisdiction and the facts supporting liability, as well as the full record of proceedings against Iran in this multi-district litigation, I respectfully request that this Court grant the proposed order filed herewith.

Dated: May 6, 2022
New York, NY

/s/ James P. Kreindler
James P. Kreindler